

Wednesday, August 1, 2007

House Meets At...	Votes Predicted At...
10:00 a.m. For Legislative Business	Last Vote: Late Evening
Fifteen "One-minutes" Per Side	

**Any anticipated Member absences for votes this week should be reported to the Office of the Majority Whip at 226-3210.**

### **Floor Schedule and Procedure**

- **Suspension Bill:** Today, the House will consider one bill on the Suspension calendar. Bills considered on the Suspension calendar are debatable for 40 minutes; may not be amended; and require a two-thirds vote for passage. If a recorded vote is requested, it will be postponed.
  1. **H.R. 3248** - SAFETEA-LU Technical Corrections Act of 2007 (*Rep. Oberstar – Transportation and Infrastructure*)
- **H. Res. 594-Rule providing for consideration of H.R. 3162 – Children’s Health and Medicare Protection Act of 2007 (Rep. Castor-Rules):** The closed rule provides 2 hours of debate in the House with one hour equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Ways and Means and one hour equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Energy and Commerce. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, modified by the amendment printed in the report of the Committee on Rules to accompany this resolution, shall be considered as adopted and the bill, as amended, shall be considered as read. The rule provides one motion to recommit with or without instructions. Debate on the rule will be managed by Rep. Castor, and consideration will proceed as follows:
  - One hour of debate on the rule.
  - Possible vote on a Democratic motion to move the previous question. **Democrats are urged to vote yes on the motion.**
  - Vote on adoption of the rule. **Democrats are urged to vote yes on adoption of the rule**

- **H.R. 3162 – Children’s Health and Medicare Protection Act of 2007 (Rep. Dingell – Energy and Commerce / Ways and Means):** Pursuant to the rule, debate on the bill will be managed by Ways and Means Committee Chair Rep. Charles Rangel (or his designee) for one hour and by Energy and Commerce Committee Chair Rep. John Dingell (or his designee) for one hour, and will proceed as follows:
  - Two hours of debate on the bill.
  - Possible debate and vote on a Republican motion to recommit the bill.
  - Vote on final passage of the bill. **Democrats are urged to vote yes on final passage of the bill.**
  
- **H. Res. 597–Rule providing for consideration of H.R. 1495-Water Resources Development Act of 2007 (Rep. Matsui–Rules):** The rule provides for consideration in the House of the conference report to accompany H.R. 1495. The rule waives all points of order against the conference report and its consideration. The rule considers the conference report as read. Debate on the rule will be managed by Rep. Matsui, and consideration will proceed as follows:
  - One hour of debate on the rule.
  - Possible vote on a Democratic motion to move the previous question. **Democrats are urged to vote yes on the motion.**
  - Vote on adoption of the rule. **Democrats are urged to vote yes on adoption of the rule**
  
- **Conference Report on H.R. 1495 - Water Resources Development Act of 2007 (Rep. Oberstar –Transportation and Infrastructure):** Pursuant to the rule, debate on the conference report will be managed by Transportation and Infrastructure Committee Chair Rep. James Oberstar, and consideration will proceed as follows:
  - One hour of debate on the conference report.
  - Vote on adoption of the conference report. **Democrats are urged to vote yes on adoption of the conference report.**
  
- **H. Res. 595-Rule waiving a requirement of Clause 6(A) of Rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rep. Slaughter-Rules):** The rule waives clause 6(a) of Rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. Applies the waiver to any resolutions reported on the legislative day of August 1, 2007, providing for consideration of the bill (H.R. 3161) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes. Debate on the rule will be managed by Rules Committee Chair Rep. Louise Slaughter, and consideration will proceed as follows:
  - One hour of debate on the rule.
  - Possible vote on a Democratic motion to move the previous question. **Democrats are urged to vote yes on the motion.**
  - Vote on adoption of the rule. **Democrats are urged to vote yes on adoption of the rule**

- **H.R. 3161– Agriculture, Rural Development, Food and Drug Administration, and related agencies appropriations bill, 2008 (Rep. DeLauro-Appropriations):** Pursuant to the rule, debate on the bill will be managed by Appropriations Committee Chair Rep. David Obey, or his designee, and consideration will proceed as follows:
  - Debate and votes on amendments to the bill.
  - Possible debate and vote on a Republican motion to recommit the bill.
  - Vote on passage of the bill. **Democrats are urged to vote yes on final passage.**

## **Bill Summary and Key Issues**

### **CONFERENCE REPORT TO ACCOMPANY H.R. 1495 - WATER RESOURCES DEVELOPMENT ACT OF 2007**

#### **PROVISIONS IN THE H.R. 1495 CONFERENCE REPORT**

- Authorizes 48 Reports of the Chief of Engineers, including nine projects for navigation, 15 projects for environmental restoration, seven projects for hurricane and storm damage reduction, and 13 projects for flood control. Authorization of these Chief's Reports represent approximately \$11.5 billion in project authorization.
- Authorizes 138 projects under the Corps of Engineers continuing authorities programs. These are statutory authorities for small flood damage reduction, ecosystem restoration, navigation, shoreline stabilization, and projects for improvement of the environment.
- Authorizes 100 studies for the Corps of Engineers, covering all of the Corps missions of flood control, navigation, ecosystem restoration, and water supply.
- Modifies approximately 160 existing projects of the Corps of Engineers to allow the Corps to meet the needs of our nations with respect to ongoing flood control, navigation, environmental restoration, and multipurpose projects.
- Authorizes approximately 400 new projects for the Corps of Engineers, including projects for navigation, flood control, environmental restoration, recreation, and environmental infrastructure.
- Authorizes and modifies three critical programs for the restoration of coastal Louisiana, the restoration of the Florida Everglades, and the restoration of the Upper Mississippi River and the Illinois Waterway System, along with the construction of seven new 1,200 foot locks on the system
  - **Louisiana Coastal Area:** Authorizes approximately \$1.9 billion the Corps of Engineers to carry out the comprehensive program for the restoration of the Louisiana Coastal Area. This program will help restore populated and coastal areas significantly impacted by Hurricane Katrina, and will help in preventing future damage from hurricanes and storm surge, by slowing the

continuing land loss, and replenishing the coastal marshes of southern Louisiana. This section also authorizes the Corps to integrate into this comprehensive program the findings of a current Corps study for “category 5” protection for coastal Louisiana. Finally, this section deauthorizes and calls for the physical closure of the Mississippi River Gulf Outlet (“MRGO”)

- **Upper Mississippi River and Illinois Waterway System:** The Upper Mississippi River and Illinois Waterways System provides authorization for navigation improvements and ecosystem restoration. The authorization provides for small-scale and non-structural navigation improvements as well as construction for seven new 1200-foot locks on the Upper Mississippi River and Illinois Waterway System. Approximately, \$2 billion is authorized for the navigation improvements. The bill also authorizes a critical ecosystem restoration program. The ecosystem restoration provides for comprehensive restoration activities throughout the basin and authorizes approximately \$1.6 billion for this work.
- **Comprehensive Everglades Restoration Plan:** Authorizes for the first three project components of the Comprehensive Everglades Restoration Plan, authorizes in the Water Resources Development Act of 2000: Indian River Lagoon, Picayune Strand, and Site 1 Impoundment. Directs the Corps of Engineers to expedite completion of an ongoing study of water deliveries through the Tamiami Trail to achieve necessary flows called for in the Modified Water Deliveries project for restoration of the Everglades, and to recommend a resolution to this project for authorization in the Water Resources Development Act.
- **Programmatic Changes for the Corps of Engineers:** WRDA 2007 also includes important policy provisions that address concerns with the Corps planning and mitigation process. These provisions reflect needed changes that have been identified in the past several years and were highlighted by some of the problems discovered as a result of Hurricane Katrina.
  - **Independent Peer Review:** WRDA 2007 directs the Corps to undertake Independent Peer Review when certain cost thresholds are met, a Governor of an affected state requests it, or if the Chief of Engineers determines that the project will be controversial. The Independent Peer Review provision creates an important tool to ensure that the best projects are designed and implemented.
  - **Principles and Guidelines:** WRDA 2007 also directs the Corps to update its primary guidance document, the Principles and Guidelines (“P&G”). With an updated P&G, the Corps will be able to better capture the needs of modern infrastructure projects including ecosystem needs along with important infrastructure.

- **Mitigation:** The new mitigation provision will ensure that necessary infrastructure projects are not built at the expense of our natural environment but will include complete, timely, and appropriate mitigation for environmental impacts.

## **H.R. 3162 - CHILDREN'S HEALTH AND MEDICARE PROTECTION ACT**

**PROTECTING CHILDREN'S HEALTH:** The CHAMP Act improves and extends the State Children's Health Insurance Program (CHIP) which would otherwise expire on September 30, 2007. CHIP currently provides health insurance to 6 million children and is a federal-state partnership. Without changing the current parameters for income eligibility for CHIP, the CHAMP Act extends coverage to another 5 million children – so that 11 million children will be covered under the program.

This growth in enrollment is possible because the CHAMP Act revises the payment formula for states and dramatically improves outreach and enrollment via new incentive payments to states and streamlined eligibility for children.

The CHAMP Act improves the benefits available to children by assuring coverage of dental care and mental health parity.

The CHAMP Act grants states the option of covering pregnant women and increasing CHIP eligibility to age 21 to match Medicaid's age limit. It also permits states to cover legal immigrant children and legal immigrant pregnant women, who otherwise meet the requirements for coverage under CHIP. States are given a new option to cover family planning services without a waiver.

**MEDICARE BENEFICIARY IMPROVEMENTS:** The CHAMP Act improves preventive health coverage by providing Medicare with the authority to add new preventive health benefits without Congressional approval. It also eliminates co-insurance and waives deductibles for all preventive benefits. It reduces Medicare's discriminatory 50% co-payment on outpatient mental health services to the standard 20% and adds additional mental health providers to Medicare so that services are more widely available. It also requires important new steps to reduce racial and ethnic health disparities.

The CHAMP Act significantly improves programs that assist low-income beneficiaries by expanding and improving the Low Income Subsidy (LIS) program for drugs and the Medicare Savings Programs (MSP). These programs pay beneficiary premiums, lower co-payments, and reduce drug costs.

All beneficiaries win better consumer protections under the CHAMP Act. For example, it allows beneficiaries to change drug plans if they are adversely affected by a drug plan formulary changes during the year and

codifies the requirement that Part D plans cover all or substantially all drugs in six important therapeutic classes of drugs.

**MEDICARE PHYSICIAN PAYMENT REFORM:** The CHAMP Act stabilizes physician reimbursement by eliminating the impending 2008 and 2009 fee cuts (projected to be -10.0 percent and -5.0 percent, respectively) and puts in place a positive 0.5 percent update in both 2008 and 2009. The bill also lays the foundation for a future physician reimbursement system that promotes quality of care and maximizes efficiency.

**MEDICARE ADVANTAGE REFORM:** The CHAMP Act phases out MA overpayments over four years to 100% of FFS in 2011. This change extends Medicare solvency by three years and restores equity in Medicare premiums for all beneficiaries.

It improves consumer protections by developing a Federal/State system to regulate private plan marketing and other activities. It prohibits private plans from charging higher cost-sharing than fee-for-service Medicare. It requires plans to meet minimum requirements regarding level of spending on medical benefits (versus administrative costs, overhead or profit).

It extends the Special Needs Plans (SNPS) that were set to expire next year for another three years and puts increased consumer protection standards in place for these plans to ensure that they are meeting the needs of the special populations they are designed to protect.

**RURAL HEALTH IMPROVEMENTS:** The CHAMP Act preserves payment equity for rural Medicare fee-for-service providers. The bill extends otherwise expiring provisions in law that, if left unchanged, would negatively affect rural beneficiaries' access to physicians, hospitals, home health, ambulance services, and lab services.

**MEDICARE PROVIDER PAYMENTS AND ADDITIONAL IMPROVEMENTS:** The CHAMP Act takes into account recommendations from the non-partisan Medicare Payment Advisory Commission and refines payments for a variety of institutional providers including skilled nursing facilities, home health agencies, rehabilitation facilities, long-term care hospitals, cancer hospitals and rural and small urban hospitals.

It updates Medicare coverage policy for a range of providers. Improvements include: continuing the therapy cap exceptions process and planning for an improved payment system; improving coverage for speech language pathologists, nurse midwives, marriage and family therapists, mental health counselors; and assuring access to clinical social workers for beneficiaries in nursing homes. Ends the ability of physicians to refer to hospitals in which they have ownership. Reduces rental period for oxygen equipment, and eliminates first month purchase of wheelchairs. Provides patient-education services for pre-dialysis beneficiaries, puts quality programs in place, and modernizes the ESRD payment system.

The CHAMP Act establishes a comparative effectiveness program to provide the information doctors and patients need to choose the best treatments, leading to better health outcomes and value nationwide. It requires the Medicare agency to design a program to require adoption of an interoperable open source health information technology system for all Medicare providers.

Importantly, the CHAMP Act overrides provisions that have been inserted into the law in recent years that are designed to privatize Medicare – or turn it into a voucher. In contrast, the CHAMP Act protects Medicare as a guaranteed benefit for today's and tomorrow's senior citizens and people with disabilities.

**FINANCING:** The bulk of the CHAMP Act is financed through adjusting current federal health spending. The only other funding source in this bill is increasing the current federal excise tax on cigarettes by \$.45 a pack – significantly less than the \$.61 a pack proposal in the Senate. The tobacco tax is sound fiscal and health policy. Raising the cost of cigarettes is the best way to stop children from starting to smoke in the first place. It will save a million kids from addiction, saving billions in health care dollars and tens of thousands of young lives.

**H.R. 3161 - AGRICULTURE, RURAL DEVELOPMENT, FOOD AND  
DRUG ADMINISTRATION, AND RELATED AGENCIES  
APPROPRIATIONS ACT, 2008**

**Reinvesting in Rural America**

Rural Housing Loans: \$212.2 million, \$176.3 million above the President's request, to fund \$5.1 billion in affordable loans to provide housing to low-income families in rural areas, with no increase in fees. The President's budget had eliminated direct loans and shifted funding to guaranteed loans, increasing fees, making these loans more expensive and less accessible for low-income families. This will provide approximately 38,000 single family homeownership opportunities.

Homeownership for Rural Families: \$40 million, \$6.3 million above 2007 and \$30.5 million above the President's request, for grants to allow low-income families in rural areas to build their own houses. The ultimate goal is to double the number of participant families, from the 2002 level by 2010.

Housing for Farm Laborers: \$46.6 million, \$14.5 million above 2007 and \$36.8 million above the President's request, to fund \$75 million in affordable loans and grants for housing for farm laborers, nearly doubling the 2007 target of financing or constructing approximately 2000 units.

Rural Community Advancement Programs: \$728.8 million, \$158.3 million above the President's request, to support:

- Community Facilities: \$55.7 million, \$31.2 million above the President's request, for grants and loans to rural areas for critical community

facilities, such as health care, educational, public safety and day care facilities.

- Clean Water: \$573.1 million, \$70.3 million above the President's request and \$18.1 million above 2007, for loans and grants for water and waste disposal systems, supporting \$1 billion in loans. In 2006, 985 applicants needing \$2.3 billion had their grant requests turned down.
- Business Loans and Grants: \$100 million, \$56.8 million above the President's request and \$15.6 million above 2007, for economic development in rural communities.

Technology Access: \$52.8 million, \$14.2 million above 2007 and \$28 million above the President's request, for grants for distance learning, telemedicine, and broadband development in rural areas. This increase provides funding to double the broadband grant program and a 41 percent increase in distance learning and telemedicine grants to assist rural schools, learning centers, and rural communities in gaining access to improved educational resources, and assist hospitals and health care centers in gaining access to improved medical resources.

### **Protecting Public Health**

Food Safety and Inspection Service: \$930.1 million, \$38 million above 2007 and matching the President's request, addressing vacancies in federal meat inspector positions. Food and Drug Administration: \$1.69 billion, \$128.5 million above 2007 and \$62 million above the President's request, including increases to begin a transformation of food safety regulation, improve drug safety, monitor prescription drug advertisements and review generic drug applications.

### **Improving Nutrition**

Commodity Supplemental Food Program: \$150 million, \$43 million above 2007 and eliminated in the President's request, for food aid for women, infants, children, and the elderly. In 2007, program participation averaged 485,614 monthly. This amount would allow five new states to participate in the program and expand participation in existing states. Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): \$5.6 billion, \$415.6 million above 2007 and \$233.4 million above the President's request, including \$145 million to restore the President's proposed cuts to grants that help states administer the program. 8.38 million Americans are expected to participate in the program next year.

Nutrition: \$957.7 million, \$45.5 million above 2007 and \$69.7 million over the President's request, for nutrition programs, including the Expanded Food and Nutrition Education Program (\$68.5 million), Fresh Fruit and Vegetable and Simplified Summer Food programs (\$26 million) to all states to provide nutritious foods to children in low-income families, and specialty crop grants to encourage more fruit and vegetable consumption (\$10 million).

### **Transforming our Energy Future**



Renewable Energy: \$1.2 billion, \$955.3 million above 2007 and \$810.4 million above the President's request, for bio-energy and renewable energy research and development, including loans and grants in rural areas.

- Wind Energy: \$500 million is included in the Rural Electrification and Telecommunications Loans Program for new wind energy projects.
- Business and Industry Loans: \$350 million is targeted for biomass and renewable energy projects funded through the Guaranteed Business and Industry loan program.

### **Supporting Conservation**

Conservation Programs: \$979.4 million, \$127.6 million above 2007 and \$154.7 million above the President's request, for conservation efforts and community development. This bill restores many of the programs slated for major reductions in the president's request, including the Grazing Lands Conservation Initiative, Resource Conservation and Development, and the watershed programs which are funded \$75 million – more than double last year's levels.

### **Investing in Research**

Animal and Plant Health: \$874.6 million, \$28.4 million above 2007 and \$70.9 million below the President's request, to fund programs that protect American agriculture against animal and plant diseases, such as avian influenza.

### **Oversight and Enforcement**

Crop Insurance Integrity: \$11.2 million, \$5.4 million above 2007 and matching the President's request, for a system to detect potential waste, fraud and abuse in crop insurance and farm loan programs, and an additional \$1 million for Inspector General oversight in this area.

Ensuring Livestock Competition: \$22.8 million, \$2 million above 2007 and matching the President's request, to enforce the Packers and Stockyards Act to assure fair competition and fair trade practices, safeguard farmers and ranchers, protect consumers and protect members of the livestock, meat, and poultry industries from unfair, deceptive, unjustly discriminatory and monopolistic practices. These funds provide for new agents and other professionals to strengthen enforcement and promote voluntary compliance. Enforcement Efforts at the Commodity Futures Trading Commission: \$102.6 million, \$4.6 million above 2007 for additional staff to enforce the agencies regulations.

### **IMPORTANT POLICY ITEMS**

Animal Identification: Does not provide new funding for the program because USDA cannot justify money already appropriated. Drastic action is required as this program is far too important to be allowed to continue to flounder. The agency is directed to develop a detailed plan with measurable goals.

Conflicts of Interest on FDA Advisory Committees: Bars FDA from granting waivers for conflicts of interest rules to voting members of FDA advisory committees.

Food Stamp Benefits: Excludes special pay for military personnel deployed to designated combat areas when determining food stamp eligibility. The Food Stamp Program is provided at \$39.8 billion, an increase of \$1.7 billion over 2007 to meet increased participation. Rejects the Administration's proposal to restrict eligibility for food stamps by excluding needy families who are receiving certain other services.

Imported Poultry Products from China: Prohibits USDA from establishing or implementing a rule allowing poultry products from China into the U.S.

Country of Origin Labeling: Sets a timeline for USDA to implement country of origin labeling.

### **Quote of the Day**

Perseverance is more prevailing than violence; and many things which cannot be overcome when they are together, yield themselves up when taken little by little.  
–Plutarch

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